

REMARKS

Claims 1-11 are pending. Claims 9-11 were amended to overcome the 35 USC 101 rejection but not to overcome the prior art. Claim 12 was canceled. The title was amended. No new matter is presented.

The title was objected to for not being descriptive. The title has been amended, and withdrawal of this objection is respectfully requested.

Claims 1-12 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner asserts that the claims are generally narrative and indefinite and notes that the limitation “which the first transmission mode is designated in place of the first transmission mode” is indefinite and that it does not make sense to replace a transmission mode with the same transmission mode. Applicant respectfully submits that the Examiner is mistaken and that the claims are clear and definite on their face. It appears the Examiner lacks a clear understanding of the invention, which is leading to his confusion. Applicant offers the following explanation to clarify the invention for the Examiner.

According to claim 1, the first transmission mode is designated for certain destinations and the second transmission mode is designated for certain other destinations. A third transmission mode is set for the destinations previously designated to the first transmission mode. In other words, instead of the first transmission mode being designated for those certain destinations, the third transmission mode is instead designated for those certain destinations. Thus, the third transmission mode replaces the first transmission mode. This makes it clear that claim 1 does not intend to replace the first transmission mode with the first transmission mode, as suggested by the Examiner.

The Examiner has also asserted that claim 1 is unclear with regard to when the third transmission mode is actually “set.” Claim 1 recites that, during multi-destination delivery, the third transmission mode is set for the destinations for which first transmission mode was previously set. The specification, at paragraph [0043], clarifies this aspect of claim 1. The specification states “where the transmission method for multiple destinations is not unified as either the first transmission mode or the second transmission mode in multi-destination delivery, the transmission mode for the destinations for which the first transmission mode is designated is automatically changed to the third transmission mode. Consequently, the transmission method becomes unified . . .” Applicant respectfully submits that, in light of the specification and on their face, the claims as currently pending are definite and clear. Applicant requests that this rejection be withdrawn.

Claims 9-12 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. Claims 9-11 have been amended to recite a computer-readable medium. Claim 12 has been canceled. Applicant therefore requests that this rejection be withdrawn.

Claims 1-3, 6, 9 and 12 are rejected under 35 USC 102(e) as being anticipated by Kakimoto, U.S. Patent 6,776,688. This rejection is respectfully traversed.

The Examiner indicated that the limitation “which the first transmission mode is designated in place of the first transmission mode” was being ignored because it was indefinite. However, as discussed above, the claim limitation “setting the third transmission mode for the destinations for which the first transmission mode is designated in place of the first transmission mode” is quite clear and understandable, and thus should be given patentable weight. Accordingly, Applicant submits that Kakimoto fails to teach or suggest this feature. In other words, Kakimoto fails to teach or suggest a delivery arrangement in which the third transmission mode replaces the first transmission mode for those destinations in which the first transmission mode was originally designated.

Rather, Kakimoto teaches a delivery arrangement in which the best distribution method for each destination is designated individually. At col. 8, lines 9-17, Kakimoto discloses that reference number 47 denotes information related to the data distribution method. According to Kakimoto, the apparatus determines which distribution method to employ by referring to the information shown in Fig. 5, at element 47. Kakimoto fails to teach or suggest, however, “setting the third transmission mode for the destinations for which the first transmission mode is designated in place of the first transmission mode.” Thus, the features of claim 1 are not taught or suggested by Kakimoto.

Claims 6 and 9 recite substantially the same features recited in claim 1, and are allowable for the same reasons. Claims 2 and 3 are allowable at least due to their respective dependencies. Applicant requests that this rejection be withdrawn.

Claims 4-5, 7-8 and 10-11 are rejected under 35 USC 103(a) as being unpatentable over Kakimoto. This rejection is respectfully traversed.

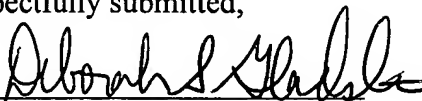
As discussed above, Kakimoto fails to teach or suggest the features of claim 1, 6 or 9. Claims 4, 5, 7, 8, 10 and 11 are therefore allowable at least due to their respective dependencies. Applicant requests that this rejection be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 325772027900.

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Respectfully submitted,

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